
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 941 Session of
2017

INTRODUCED BY STREET, RESCHENTHALER, TARTAGLIONE AND FARNESE,
OCTOBER 31, 2017

REFERRED TO JUDICIARY, OCTOBER 31, 2017

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in facilities and
3 supplies, further providing for surcharge; and, in
4 forfeitures, providing for legal representation in forfeiture
5 proceedings.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 3733.1(a) and (c) of Title 42 of the
9 Pennsylvania Consolidated Statutes are amended by adding
10 paragraphs to read:

11 § 3733.1. Surcharge.

12 (a) Imposition of surcharge.--In addition to each fee
13 imposed under section 3733(a.1) (relating to deposits into
14 account), except as set forth in subsection (b), the following
15 apply:

16 * * *

17 (4) A permanent fee of \$2.25 shall be charged and
18 collected on a filing relating to a civil action.

19 * * *

1 (c) Allocation and appropriation.--

2 * * *

3 (4) The fee under subsection (a)(4) shall be collected
4 and paid in accordance with section 3572 (relating to county
5 portion of fines, etc.) and used in accordance with section
6 6803 (relating to legal representation in forfeiture
7 proceedings).

8 Section 2. Title 42 is amended by adding a section to read:
9 § 6803. Legal representation in forfeiture proceedings.

10 Notwithstanding the act of December 2, 1968 (P.L.1144,
11 No.358), known as the Public Defender Act, the following apply:

12 (1) If a person with standing files a claim to contest
13 the forfeiture of property in a forfeiture proceeding under
14 this chapter and is financially unable to obtain legal
15 representation by an attorney and the property subject to
16 forfeiture is real property, the court of common pleas having
17 jurisdiction over the property, at the request of the person,
18 shall provide the person with an attorney for the purpose of
19 providing legal representation with respect to the claim.

20 (2) If a person with standing who has not been charged
21 in a related criminal case files a claim to contest the
22 forfeiture of property in a forfeiture proceeding under this
23 chapter and is financially unable to obtain legal
24 representation by an attorney, the court of common pleas
25 having jurisdiction may provide the person with an attorney
26 for the purpose of providing legal representation with
27 respect to the claim.

28 (3) In determining whether to provide legal
29 representation under this section, the court of common pleas
30 having jurisdiction shall take into account the following

1 factors:

2 (i) the person's standing to file a claim to contest
3 the forfeiture; and

4 (ii) whether the claim appears to be made in good
5 faith.

6 (4) Each county in this Commonwealth shall develop
7 procedures and use funds received from the fee authorized in
8 section 3733.1(a)(4) (relating to surcharge) for the purpose
9 of administering this section.

10 Section 3. This act shall take effect in 60 days.